

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO.: 05 CV 40071-FDS.

*****)
CHRISTIAN SCHWENK,)
Plaintiff)
)
v.)
)
AUBURN SPORTSPLEX, LLC, DENNIS)
NATOLI, JOHN NATOLI, and PETER)
NATOLI,)
Defendants)

PLAINTIFF'S RULE 16.1(D) STATEMENT

Plaintiff, Christian Schwenk hereby submits this Statement pursuant to Rule 16.1(D). This is not submitted as a "Joint Statement" as Counsel for Defendants has not responded to a request to confer for purposes of contributing to the preparation of a Joint Statement.

Discovery Plan

1. Initial Disclosures to be completed within seven days from the date of this conference.
2. Requests for Production of Documents and Interrogatories served by November 1, 2005.
3. All Requests for Admissions served by January 1, 2006.
4. All depositions, other than experts to be completed by December 15, 2005.
5. Final Deadline for all discovery to be completed by January 1, 2006.
6. Amendments to Pleadings - motions to amend shall be served no later than February 1, 2006.
7. Dispositive Motions must be served by March 1, 2006.
8. Opposition to Dispositive Motions to be served within 45 days after service of motion.

NOTE: The initial phase of this litigation is narrowly focused on production of the financial records to which Plaintiff is entitled.

Upon receipt of those records, Plaintiff expects to evaluate what if any damages claims he may have after which the Complaint may be amended to reflect same. It would therefore be necessary to re-establish a discovery/motion schedule which could be accomplished at a future scheduling conference.

Certification

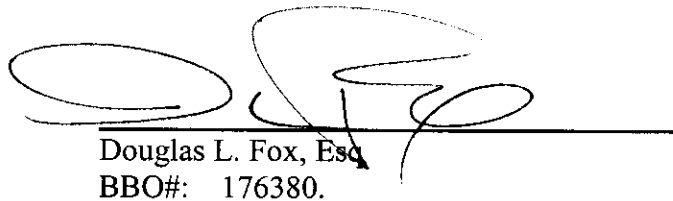
Counsel and Plaintiff hereby certify that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course — and various alternative courses — of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Date: _____

10/12/05


CHRISTIAN SCHWENK



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19 Cedar Street
Worcester, MA 01609
(508) 756-2323

CERTIFICATE OF SERVICE

On this 12th day of October, 2005, I, Douglas L. Fox, Esquire, hereby certify that I served the within ***Plaintiff's Rule 16.1(D) Statement*** upon the Defendants, by Facsimile and mailing a copy of the same, first-class mail, postage prepaid, to Defendants' Counsel of Record:

William J. Ritter, Esq.
Pojani, Hurley, Ritter & Salvidio, LLP
446 Main Street, 21st Floor
Worcester, MA 01608
Fax: (508) 797-9561

A handwritten signature in black ink, appearing to read 'D. Fox', is positioned above a horizontal line.

DOUGLAS L. FOX, ESQUIRE
BBO #176380